

Kasich rejects calls for Terhar's ouster

School board chief 'regrets' Hitler post

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Gov. John Kasich says that since state Board of Education President Debe Terhar has admitted her Facebook post about Adolf Hitler and gun control was "a mistake," he sees no need for further action.

"It was clearly a mistake, and she says it was a mistake," Kasich told *The Dispatch* after arriving yesterday in Davos, Switzerland, for the World Economic Forum. "I'm glad that she's come out and said she's sorry about it, that it's a mistake, and she's not going to do it again."

Kasich, who had not spoken with Terhar, was referring to an email she sent to school board members and the Education Department on Tuesday night, in which she said she "truly regret(s) not using better judgment with the posting on my personal Facebook page" that appeared to compare President Barack Obama's call for more gun control to the policies of the Nazi leader responsible for millions of deaths in World War II.

"The last thing I would ever want to do is embarrass the state Board of Education or compromise the important work we are doing," Terhar, a Cincinnati Republican, said in her email, which was obtained by *The Dispatch*. "If you have any questions or concerns, please contact me directly."

Kasich also pointed out that Terhar was elected by voters to the board and unanimously re-elected as president by her fellow board members.

But Republican Ann Jacobs, an elected board member from Lima, and others who asked Terhar for an apology said yesterday that Terhar's email falls short.

"It's not an apology," Jacobs said.

Mary Rose Oakar, an elected Democratic board member from Cleveland, said, "She needs to say 'This is a bad example for children, and I'm sorry I put it out anywhere.' It's OK to have views on gun control, but Hitler?"

Jacobs, Oakar and two other elected board members, both Democrats, asked Terhar in an email this week to "issue a public apology concerning this page." They say the Facebook post undermines her objectivity and raises questions about her ability to serve as president. But C. Todd Jones, an appointed GOP board member from central Ohio, said calls for Terhar's resignation are "off base."

Based on the public and private comments and jokes he's heard during years of public service, Jones ranked Terhar's Facebook post in the lower third of the "scale of impropriety."

"I would challenge every person who would dare call for her resignation to look forthrightly at their own Facebook posts and comments they've made in private," he said.

First Amendment experts roundly defend Terhar's right to say what she likes and observe that she has given no one legal standing to seek her ouster from office. But for an elected official such as Terhar, there is a potential price to be paid in terms of public opinion and accountability, they say.

"It's constitutionally protected opinion. You don't lose your rights to speak as an individual while holding public office," said Bradley Smith, a professor at Capital University Law School in Columbus.

"But, there should be recognition when you become a public official that you need to be conscious of what you say in ways that others do not. There may be political costs to pay if you don't."

David Goldberg, professor emeritus at Ohio State University's Moritz College of Law, said Terhar's post "is completely protected by the First Amendment" and that she, in turn, must expect others to speak out.

Goldberg created a petition at Change.org this week seeking Terhar's removal for what he believes was her implication that Obama's bid for tougher gun laws was "laying a foundation for a Hitler-like society."

"The First Amendment protects her right to hold her personal beliefs. But a public official who harbors those kinds of views is really right on the margin of whether she should be in public office," he said.

Terhar shut down her Facebook page on Tuesday, the day *The Dispatch* reported that she had posted the picture from a site featuring many racist, sexist and anti-Obama postings.

State Democrats are still demanding Terhar resign and asking the governor to urge her to do so. They acknowledge that she was elected to the board and not appointed, but they say Kasich is being disingenuous to suggest that the board is an independent panel which he holds no control over.

"The fact that he lobbied for her elevation to president, in my view, (provides ample reason for him) to urge her to step down as president," said Dale Butland, communications director for Innovation Ohio, a progressive policy group based in Columbus.

Like governors before him, Kasich has great control over the panel. The 19-member panel includes eight appointed by the governor.

Some board members said they were lobbied by the administration two years ago to elect Terhar president within a month of her taking office. A few months later, in a tearful resignation, former state Superintendent Deborah Delisle said Kasich officials told her they had the votes to

replace her and she should resign. Under the Ohio Constitution, the state board has the sole authority to hire and fire the state superintendent.

State Democratic Party Chairman Chris Redfern, who first called for Terhar's resignation, yesterday parlayed her Facebook post into a fundraising effort.

In a letter soliciting an \$8 donation to Democrats' Fire Kasich Fund, Redfern wrote, "under no circumstances is it permissible for John Kasich to look the other way while members of his administration use dangerous, inflammatory rhetoric and images to further their political ideology. In the past, Kasich has exerted strong control over the state school board, but now when his leadership is needed the most he dodges taking action."

As an elected official, Terhar is not a member of the Kasich administration.

Original Article:

<http://www.dispatch.com/content/stories/local/2013/01/24/kasich-rejects-calls-for-terhars-ouster.html>